

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GLOBAL BRAND HOLDINGS, LLC, a New  
York limited liability company,

Plaintiff,

v.

ACCESSORIES DIRECT INTERNATIONAL  
USA, INC., a New York corporation,

Defendant.  
-----X

Civil Action No. 17-cv-7137 (LAK)

~~[PROPOSED]~~  
**ORDER AND JUDGMENT**

LEWIS A. KAPLAN, District Judge:

WHEREAS, on December 27, 2018 plaintiff Global Brand Holdings, LLC filed a motion for partial summary judgment on its claim for breach of contract and partial summary judgment dismissing defendant Accessories Direct International USA, Inc.'s defenses to the breach of contract claim and defendant's counterclaims for breach of contract and breach of the implied covenant of good faith and fair dealing ("Plaintiff's Partial Summary Judgment Motion"). [Dkt. Nos. 25 to 27];

WHEREAS, on July 31, 2019 Magistrate Judge Henry B. Pitman issued a report and recommendation that recommended that the Court grant Plaintiff's Partial Summary Judgment Motion in its entirety. [[Dkt. No. 43](#)];

WHEREAS, on August 19, 2019 the Court entered an Order, substantially for the reasons set forth in Magistrate Judge Pitman's report and recommendation, which granted Plaintiff's

Partial Summary Judgment Motion, and referred the matter to the assigned magistrate judge for a determination of damages, costs and attorney's fees. [Dkt. No. 45];

WHEREAS, Magistrate Judge Sarah L. Cave, having replaced Magistrate Judge Pitman in this action, issued a report and recommendation on May 29, 2020 recommending that on the basis of Magistrate Judge Pitman's Report and Recommendation that Plaintiff Global Brand Holdings, LLC be awarded "(1) damages on its breach of contract claim only in the amount of \$154,755.21; (2) prejudgment interest in the amount of \$37.00 per day from March 6, 2017 until the date the District Court enters judgment; (3) attorneys' fees in the amount of \$97,075.00; and (4) costs in the amount of \$400.00." [Dkt. 57];

WHEREAS on August 4, 2020 the Court entered an Order [Dkt. 58] adopting Magistrate Judge Cave's May 29, 2020 report and recommendation and awarding plaintiff the damages, interest, attorneys' fees, and costs specified in the May 29, 2020 report and recommendation.

NOW THEREFORE, IT IS HEREBY:

ORDERED AND ADJUDGED that Plaintiff Global Brand Holdings, LLC recover from Defendant Accessories Direct International USA, Inc. judgment as follows: (a) \$154,755.21 for damages on Plaintiff's breach of contract claim; (b) \$97,075.00 for Plaintiff's attorneys' fees; (c) \$400.00 in Plaintiff's costs; and (d) prejudgment interest of \$47,767, representing interest in

the amount of \$37.00 per day from March 6, 2017 until the date of this Order and Judgment, for a total of \$ 299,597.21.

FURTHER ORDERED that Plaintiff's Global Brand Holdings, LLC First Claim for Relief for Trademark Infringement under 15 U.S.C. § 1114, Second Claim for Relief for False Designation of Origin under 15 U.S.C. § 1125(a), Third Claim for Relief for Trademark Infringement in Violation of New York State Common Law and Fifth Claim for Relief for Breach

of the Duty of Good Faith and Fair Dealing in Violation of the Common Law of New York are hereby dismissed without prejudice. This constitutes the decision, judgment and order of this Court. *The Clerk shall close the case.* *AK*

Dated: 9/17/2020

**SO ORDERED AND ADJUDGED.**

*Lewis A. Kaplan*  
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Lewis A. Kaplan

United States District Judge